

EXHIBIT B

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GRANT SAXENA,

Plaintiff,

vs.

JEZRAEL MARTINEZ-HERNANDEZ

JASON J. HEANEY

DAVID BORUCHOWITZ

NYE COUNTY SHERIFF OFFICE

Defendants.

Case No.: 2:22-cv-02126-CDS-BNW

**DECLARATION OF MICHAEL
EDWARDS, ESQ. IN SUPPORT OF
DEFENDANTS' EMERGENCY MOTION
TO STRIKE AND REQUEST SANCTIONS**

I, MICHAEL M. EDWARDS, ESQ. declare as follows:

1. I am an attorney with the law firm of Freeman Mathis & Gary, LLP, counsel for Defendants Jezrael Martinez-Hernandez, Jason J. Heaney, David Boruchowitz, and the Nye County Sheriff's Office (collectively, "Defendants") in the above-captioned matter.

2. I make this Declaration in support of Defendants' Emergency Motion to Strike and Request for Order to Show Cause (the "Motion").

3. I have personal knowledge of the facts stated in this Declaration and if called upon to do so, would testify competently thereto.

1 4. This Motion is filed on an emergency basis. On December 27, 2023, Plaintiff filed
2 a Proposed Discovery Plan and Scheduling Order (“DPSO”) with this Court. *See* ECF No. 51.
3 Therein, Plaintiff falsely asserted that Defendants would not participate in a Fed. R. Civ. P. 26(f)
4 conference. The DPSO was filed without Defendants’ knowledge or consent. Given the foregoing,
5 the proposed DPSO should not be approved by this Court and should be stricken.

6 5. Good cause exists to hear this Motion on an emergency basis. Despite this action
7 having been filed on December 22, 2022, the parties *still* do not have a proper discovery plan and
8 scheduling order due to Plaintiff’s continuous provision of false contact information and adamant
9 refusal to communicate with Defendants as required pursuant to Fed. R. Civ. P. 26(f) and Local
10 Rule 26-1.

11 6. Defendants filed a Motion to Dismiss or Alternatively, Motion for Compel and for
12 Sanctions on August 1, 2023, as well as a reply in support thereof, outlining Plaintiff’s actions that
13 have affirmatively prevented the submission of a discovery plan and scheduling order, but that
14 motion remains pending before this Court and the issues outlined therein remain unresolved.

15 7. It is not practicable to conduct a meet and confer with Plaintiff regarding such
16 issues as he has refused to communicate with Defendants for many months. Plaintiff has failed to
17 provide a working phone number or email address to Defendants, and prior attempts to
18 communicate with him have resulted in threats against counsel. Despite this Court’s Order on
19 December 12, 2023 (ECF No. 50), which mandated that Plaintiff provide proper contact
20 information to Defendants and to communicate with them regarding the proposed discovery plan
21 and scheduling order, Plaintiff still refuses to do so.

22 8. On December 14, 2023, our office emailed Plaintiff in an attempt to conduct the
23 necessary meet and confer, but Plaintiff has refused to respond.

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DATED this 29th day of December, 2023.

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